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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,000

09/16/2003

James J. Bono JR.

6652-43U1

1746

570

7590

03/02/2006

AKIN GUMP STRAUSS HAUER & FELD L.L.P.  
ONE COMMERCE SQUARE  
2005 MARKET STREET, SUITE 2200  
PHILADELPHIA, PA 19103

EXAMINER

PATEL, VISHAL A

ART UNIT

PAPER NUMBER

3673

DATE MAILED: 03/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/663,000	<b>Applicant(s)</b> BONO, JAMES J.	
	<b>Examiner</b> Vishal Patel	<b>Art Unit</b> 3673	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-30 is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-21 is/are rejected.
- 7) ☐ Claim(s) 11-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/14/05 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5, 9 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer (US. 5,205,075) in view of Reinvaldt (US. 767,763) and further in view of Kirkpatrick et al (US. 3,320,106).

Moyer discloses a termination of a flexible hollow gasket (90) mounted to close a gap between an oven door (150) and an oven face (face of 140) surrounding an oven mouth (mouth of 140) and facing the oven door (intended use, but the reference of Moyer uses the gasket to seal an oven door and an oven face). The gasket being attached to one of the oven face or the oven door (the gasket is attached to an oven door by fasteners 10 being placed in holes 160 in the oven door). The gasket including a tubular member having a first and second opposing ends (ends of 90), a resiliently flexible wall (wall 100) formed at least substantially by intertwined fibrous

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yarns extending between the ends, the gasket further including a plurality of fasteners (10) extending through the flexible wall and outwardly from the flexible wall and configured to be received in spaced openings in the one of the oven door and oven face (intended use but the fasteners are received in openings in the oven door). Two of the fasteners are located immediately adjacent the first and second ends (joint formed by the ends of the gasket 90 and retained by the clips 10 on an oven door 150) to connect to gasket to one of the oven door or the oven face by the fasteners.

The fasteners comprise plurality of separate individual spring clips (clips 10). The spring clips are individual wire members separated and distinct from each other, each of the spring clip being individually captured within and protruding from the flexible wall (all clips 10 are protruding from the flexible wall). The fasteners (10) are formed from a single continuous spring wire member (wire member of 10), the fasteners being engagement portions of the wire member protruding from the flexible wall (portion of 10 that protrudes from the flexible wall). The gasket having a tubular resilient core and a flexible outer jacket formed by a plurality of fibrous yarns intertwined seamlessly around the resilient core (core 110 and jacket 100). The flexible outer jacket is made of braided glass fiber yarns. The gasket is formed as a closed loop (close loop form of the gasket 90). The plurality of fasteners have a base that is secured between the resilient core and the outer jacket and an engagement portion that extends transversely away from the base portion and protruding outwardly through the outer jacket (figures of Moyer).

Moyer discloses the invention substantially as claimed above but fails to disclose that the first end of the flexible wall being at least partially collapsed to form a male end, the second end of the wall being left uncollapsed to form a female end, the male end is adjustably received

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within the female end to form a joint engaging the first and second ends together to form the closed loop and the joint being held together by the fasteners immediately adjoining each of the first and second ends of the wall received in the two of the spaced openings in the oven door or an oven face. Reinvaldt discloses a gasket having a first male end (F), a female end (G) and two fasteners adjacent the ends (two of C adjacent to G and F as seen in figure 4). The ends are connected to form a closed loop of the gasket. It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the first and second ends of Moyer to be a male end and a female end, respectively as taught by Reinvaldt, to provide a joint without lump (Page 1, column 2, lines 75-85 of Reinvaldt) or an alternative way of joining a member to form a loop. Clearly, the references as a whole invite the combination by offering advantages of such a modification to the primary reference, since Reinvaldt identifies and solves the problem of the prior art.

Moyer and Reinvaldt disclose the invention substantially as claimed above but fail to disclose that the at least partially collapsed end having a securement mounted at the first end and the first end partially extends past the securement. Kirkpatrick discloses an end that is partially collapsed (figures 9-10, end of 30) and a fastener or securement (32) that is mounted at the partially collapsed end to hold the collapsed end together (column 1, lines 11-12) and the end is partially extending past (the end extends past 32) the securement (32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the first end of Moyer and Reinvaldt to have a securement and the end partially extending past the securement as taught by Kirkpatrick to provide fastening or binding of ends (column 1, lines 11-12 of Kirkpatrick).

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4. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Reinvaldt and Kirkpatrick as applied to claims above, and further in view of Weil (US. 4,986,033).

Moyer, Reinvaldt and Kirkpatrick disclose the invention substantially as claimed above but fail to disclose that the core is made of stain less steel wires knitted together. Weil discloses a gasket on an oven door that is formed of a stainless steel wire core that is knitted and an outer jacket made of glass fiber yarns (10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the core of Moyer, Reinvaldt and Kirkpatrick to be formed of stainless steel wire that is knitted as taught by Weil, to provide a core that has strength, flexibility, is light weight and is temperature resistant (column 6, lines 30-33 of Weil).

5. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moyer, Reinvaldt and Kirkpatrick as applied to claims above, and further in view of Close et al (US. 4,156,533).

Moyer, Reinvaldt and Kirkpatrick disclose the invention substantially as claimed above but fail to disclose that the first end of the flexible wall being at least partially collapsed to form a male end, the second end of the wall being left uncollapsed to form a female end, the male end is adjustably received within the female end to form a joint engaging the first and second ends together to form the closed loop, an end of the core protrudes from an end of the jacket at the first end of the flexible wall and an end of the outer jacket extends beyond an end of the core at the second end of the flexible wall and in turned in upon itself. Close a gasket having a core (40), an outer jacket (42) a male end (end of the core 40 in figure 6), a female end (end of the outer jacket 42), the male end inserted into the female end to form a joint, an end (end on the left

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side of figure 6) of the core (40) extends beyond an end (end on the left side of figure 6) of the outer jacket (42) and an end (end on the right side of figure 6) of the outer jacket (42) extends beyond an end (end on the right side of figure 6) of the core (40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to configure the first and second ends of Moyer to be a male end formed by the core and a female end formed by the outer jacket, respectively as taught by Close, to provide a gasket that is continuous (column 3, lines 56-63 of Close) or an alternative way of joining a member to form a loop.

***Allowable Subject Matter***

6. Claims 11-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. Claims 22-30 are allowed.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is 571-272-7060. The examiner can normally be reached on 6:30am to 8:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on 571-272-6660. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP  
February 17, 2006

A handwritten signature in black ink, appearing to read "Vishal Patel", with a stylized flourish at the end.

Vishal Patel  
Patent Examiner  
Tech. Center 3600